

# PLANNING COMMISSION MINUTES

March 26, 2003

## CALL TO ORDER:

Chairman Bob Barnard called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Chairman Bob Barnard, Planning Commissioners Gary Bliss, Eric Johansen, Dan Maks, Shannon Pogue, Vlad Voytilla, and Scott Winter.

Development Services Manager Steven Sparks, AICP; Project Engineer Jim Duggan, Associate Planner Sambo Kirkman; Associate Planner Liz Shotwell; Senior Transportation Planner Don Gustafson; Assistant City Attorney Ted Naemura; and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Barnard, who presented the format for the meeting.

## VISITORS:

Chairman Barnard asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATION:

Observing that the applicant for DR 2002-0231 and CU 2002-0036 – Murrayhill Safeway Fuel Station had submitted a request for a continuance, Development Services Manager Steven Sparks suggested that the order of business be revised and this issue addressed prior to the Public Hearing for Progress Quarry.

1 **NEW BUSINESS:**

2  
3 **PUBLIC HEARINGS:**

4  
5 **A. DR 2002-0231/CU 2002-0036 – MURRAYHILL SAFEWAY**  
6 **FUEL STATION**

7 The applicant requests to construct a 12-fuel pump gas station in  
8 the parking lot of the existing Murrayhill Marketplace. The  
9 proposed fuel station will displace 45 parking spaces in the  
10 southeasterly portion of the site on which fuel sales will occur, and  
11 an approximately 300 square foot kiosk will be built under an  
12 approximately 8,200 square foot fuel canopy for gas station  
13 attendants.

14  
15 Commissioner Maks **MOVED** and Commissioner Voytilla  
16 **SECONDED** a motion that CU 2002-0036 – Murrayhill Safeway  
17 Fuel Station Conditional Use be continued to a date certain of May  
18 14, 2003.

19  
20 Motion **CARRIED**, unanimously.

21  
22 Commissioner Maks **MOVED** and Commissioner Voytilla  
23 **SECONDED** a motion that DR 2002-0231 – Murrayhill Safeway  
24 Fuel Station Design Review be continued to a date certain of May  
25 14, 2003.

26  
27 Motion **CARRIED**, unanimously.

28  
29 **OLD BUSINESS:**

30  
31 Chairman Barnard opened the Public Hearing and read the format for  
32 Public Hearings. There were no disqualifications of the Planning  
33 Commission members. No one in the audience challenged the right of  
34 any Commissioner to hear any of the agenda items, to participate in  
35 the hearing or requested that the hearing be postponed to a later date.  
36 He asked if there were any ex parte contact, conflict of interest or  
37 disqualifications in any of the hearings on the agenda. There was no  
38 response.

39  
40 **CONTINUANCES:**

41  
42 **A. PROGRESS QUARRY**

43 The following land use applications have been submitted for a 110-  
44 acre mixed-use development consisting of 746 multi-family

residential dwelling units to be located throughout the site with approximately 20 acres of land reserved for future commercial use. The proposal includes the realignment of SW Barrows Road, the construction of a recreation trail along the southern portion of the project site, and the construction of a lake. The development proposal is located on the reclaimed rock quarry, south of SW Scholls Ferry Road, north of SW Barrows Road, between SW 154<sup>th</sup> Avenue and SW Horizon Boulevard, more specifically described as Tax Lots 200, 804, 1000, 1100, and 1200 on Washington County Assessor's Map 2S1-05. The parcels, which total approximately 110 acres in size, have the following zoning designations:

- Town Center – Medium Density Residential (TC-MDR);
- Town Center – High Density Residential (TC-HDR);
- Town Center – Mixed Use (TC-MU); and
- Urban Medium Density (R-4).

**The following applications will be reviewed under the Development Code in effect prior to September 19, 2002:**

**1. CUP 2002-0027: CONDITIONAL USE PERMIT (PLANNED UNIT DEVELOPMENT/OUTLINE CONCEPT PLAN)**

The applicant requests Conditional Use Permit (CUP) for the Progress Quarry Planned Unit Development Outline Concept Plan (PUD-OCP). Development Code Sections 20.20.10.05.2.D.2, 20.20.10.10.2.D.2, and 20.20.10.15.2.D.2 requires development of sites greater than five acres to obtain CUP-PUD approval. The proposal is for a 110-acre mixed-use development consisting of multi-family residential dwellings and a potential commercial area approximately 20 acres in size. Pursuant to Section 40.15.15.3.B.1, the applicant has submitted a general concept plan for the 110-acre site identifying three phases of development for the proposed Planned Unit Development. The applicant has proposed specific design concepts for Phases 1 and 2, the residential developments, but does not provide specific information with regard to the proposed development of Phase 3, which involves the commercial area.

**2. CUP 2002-0028: CONDITIONAL USE PERMIT (PLANNED UNIT DEVELOPMENT/PRELIMINARY DEVELOPMENT PLAN)**

The applicant requests Conditional Use Permit (CUP) approval for the Progress Quarry Planned Unit Development Preliminary Development Plan (PUD-PDP). The CUP will review the specific development of 688 multi-family residential dwellings and associated improvements as one planned development. Pursuant to Section 40.05.15.3 of the Development Code, the CUP-PUD has requested deviations to certain site development requirements found in the zoning designations of the parent parcels.

**3. SB 2002-0016: SUBDIVISION PRELIMINARY PLAT**

The applicant requests preliminary plat approval to subdivide Tax Lots 200, 804, 1000, 1100, and 1200 of Washington County Assessor's Map 2S1-05. The applicant proposes 348 lots to allow ownership of townhomes, apartment buildings, and commercial and with multiple tracts for associated improvements. Access to the site is through a street system consisting of public and private streets connecting to existing streets such as SW Barrows Road, SW Horizon Boulevard, SW Sagehen Street, SW Chukar Terrace, and SW Menlor Lane. The applicant requests a series of Street Design Modifications to multiple public streets throughout the development.

**4. TPP 2002-0006: TREE PRESERVATION PLAN**

Request for approval of a Tree Preservation Plan for the development of a mixed use Planned Unit Development within a Significant Tree Grove identified as Grove NX4 on the City of Beaverton's Tree Inventory.

**The following applications will be reviewed under the Development Code in effect after September 19, 2002:**

**5. VAR 2003-0001: PROGRESS QUARRY ACCESS SPACING – LOOP STREET**

The applicant requests Variance approval to Development Code Section 60.55.40.6, which requires that access points on 'Collector' streets shall not exceed 440 feet. The applicant is requesting a Variance to the access street spacing standard for the Loop Street, which is designated a Collector street.

**6. VAR 2003-0002: -- PROGRESS QUARRY ACCESS SPACING – STREETS AREA D**

1 The applicant requests Variance approval to Development  
2 Code Section 60.55.40.6, which requires that access points on  
3 'Local' streets shall not exceed 530 feet and that access points  
4 on 'Collector' streets shall not exceed 440 feet. The applicant  
5 is requesting a Variance to the access street spacing  
6 standard for streets 'G', 'H', 'I', and 'J' within area 'D' of the  
7 proposed Progress Quarry development.

8  
9 **7. VAR 2003-0003: -- PROGRESS QUARRY ACCESS**  
10 **SPACING – STREETS AREA A AND B**

11 The applicant requests Variance approval to Development  
12 Code Section 60.55.40.6, which requires that access points on  
13 'Neighborhood Route' streets shall not exceed 660 feet and  
14 that access points on 'Local' streets shall not exceed 530 feet.  
15 The applicant is requesting a Variance to the access street  
16 spacing standard for streets 'A', 'B', 'C', 'E', and 'F' within  
17 areas 'A' and 'B' of the proposed Progress Quarry  
18 development.

19  
20 Commissioner Bliss disclosed his involvement in the development of a  
21 portion of this proposal and recused himself from participating in a  
22 decision with regard to this issue and left the dais to join the audience.

23  
24 Observing that he serves on the City's Code Review Advisory  
25 Committee (CRAC) with Mr. Gast, the applicant for this proposal,  
26 Commissioner Maks stated that this would not affect his ability to be  
27 unbiased and impartial with regard to this proposal.

28  
29 Commissioners Johansen, Winter, Voytilla, Pogue, and Maks, and  
30 Chairman Barnard all indicated that they had visited and were  
31 familiar with the site and had no contact with any individual(s) with  
32 regard to these applications.

33  
34 Commissioner Barnard described the procedure for the Public Hearing  
35 process, observing that the applicant would be limited to a 30-minute  
36 presentation, and that while members of the public would be limited to  
37 three minutes, those individuals representing NAC's would be allowed  
38 five minutes in which to provide testimony.

39  
40 Mr. Sparks introduced himself, Associate Planner Liz Shotwell, and  
41 Associate Planner Sambo Kirkman, and provided a brief history and  
42 overview with regard to this site, observing that this property was  
43 originally a significant component within the Murray Scholls Town  
44 Center Master Plan in 1998 and that the applicant's proposal closely

1 matches what had been intended at that time. He pointed out that one  
2 of the critical issues with regard to this site involves what he referred  
3 to as the creation of a grid of streets in the high-density commercial  
4 mixed-use area to the west of the Bonneville Power Administration  
5 (BPA) power lines. He briefly described the seven separate  
6 applications involved in this proposal, noting that the Planned Unit  
7 Development/Outline Concept Plan basically illustrates the concept of  
8 the development of the site. He explained that the 110-acre site  
9 includes 30 acres of residential, 20 acres of commercial, 43 acres of  
10 open space, and 17 acres of infrastructure. He explained that the  
11 applicant has proposed the residential component at this time,  
12 including 746 dwelling units.

13  
14 Mr. Sparks discussed the proposed Subdivision, which divides the  
15 parcel into 348 lots, most of which involve the residential lots created  
16 for the townhomes, as well as several commercial lots and open space  
17 tracts. He mentioned three proposed Variances, all of which involve  
18 street access spacing, and the proposed Tree Preservation Plan,  
19 involving the removal of 180 of approximately 360 trees in Significant  
20 Tree Grove NX4.

21  
22 Observing that a number of issues had been identified in the  
23 Preliminary Development Plan, Mr. Sparks discussed several issues  
24 and agreements involving the City of Beaverton, Metro, and the  
25 Beaverton School District, adding that there are tentative plans for the  
26 construction of a school outside the Urban Growth Boundary (UGB).

27  
28 Mr. Sparks discussed corrections to the Staff Reports, specifically page  
29 40 of CU 2002-0028 – Progress Quarry Conditional Use Permit  
30 (Planned Unit Development/Preliminary Development Plan), as  
31 follows: By meeting the Conditions of Approval, staff finds the  
32 proposal is consistent with Policy ~~3.5.1.j~~ 5.8.1.g.

33  
34 Referring to a number of Supplemental Reports and Memorandum  
35 that have been distributed since the original Staff Reports, Mr. Sparks  
36 explained that this is in response to materials that the applicant has  
37 submitted in response to staff comments in the Facilities Review  
38 Reports and published Staff Reports. He briefly described these  
39 reports into the record, as follows:

- 40  
41 • March 24, 2003 – Staff's findings to the Applicant's March 18,  
42 2003, Memorandum for Progress Quarry Planned Unit  
43 Development (SB 2002-0016, VAR 2003-0001).

- 1           • March 25, 2003 – Staff's findings to the applicant's March 24,  
2           2003 memo for Progress Quarry Planned Unit Development  
3           (CUP 2002-0027, CUP 2002-0028, SB 2002-0016, VAR 2003-  
4           0001).
- 5           • March 25, 2003 – Staff's findings to Walter Knapp's Supple-  
6           mental Arborist Report Dated March 24, 2003 (TPP 2002-0006).
- 7           • March 26, 2003 – Recommendation to Change the Storm filter  
8           Vault Condition in SB 2002-0016.
- 9           • March 26, 2003 – Summary of Issues for CUP 2002-0028 (blue  
10          sheet).

11  
12          Concluding, Mr. Sparks recommended approval of all applications and  
13          offered to respond to questions.

14  
15          Commissioner Maks requested clarification whether Mr. Sparks  
16          intends that the Conditions of Approval identified in the Memorandum  
17          dated March 25, 2003 be included in the actions.

18  
19          Mr. Sparks concurred, pointed out that staff recommends that  
20          Conditions in each of these Memorandum should be included in any  
21          action on the appropriate applications.

22  
23          Commissioner Voytilla requested a summarization of the current  
24          jurisdictional boundaries of Tualatin Hills Parks and Recreation  
25          District (THPRD) relative to this application.

26  
27          Associate Planner Sambo Kirkman explained that the jurisdictional  
28          boundary runs mainly north of the project quarry site location.

29  
30          Referring to Facilities Review Conditions of Approval Nos. 9 and 10,  
31          Commissioner Voytilla on page 29 of 45 for the Subdivision, observing  
32          that nothing was mentioned pertaining to THPRD with regard to  
33          jurisdiction.

34  
35          Ms. Kirkman advised Commissioner Voytilla that this is not addressed  
36          within Facilities Review, noting that if THPRD does not accept  
37          responsibility for those sites, the Homeowner's Association would be  
38          required to assume this responsibility. She explained that the  
39          Conditions of Approval for the Outline Concept Plan does identify that  
40          annexation would be required to occur in the event that THPRD does  
41          accept this responsibility.

42  
43          Commissioner Maks expressed his appreciation to Mr. Sparks and  
44          staff for providing the materials early for review by the Commission,

1 expressing his opinion that they had done a great job, and questioned  
2 whether staff shares his concerns with regard to phasing. He pointed  
3 out that approval of the linear park does not necessarily mean this  
4 facility would ever be completed, expressing his opinion that this  
5 hinges upon something that does not appear to actually hinge upon  
6 anything and that the SW 152<sup>nd</sup> Avenue cul-de-sac has not yet been  
7 resolved with the City of Tigard. Emphasizing that this involves  
8 phasing issues, he noted that he is having difficulty putting all of these  
9 pieces together.

10  
11 Mr. Sparks assured Commissioner Maks that both staff and the  
12 applicant share these concerns, noting that they have attempted to  
13 address these issues to the best of their ability. Observing that this  
14 proposal is in the midst of a fluid and dynamic stage, he expressed his  
15 opinion that this project is perhaps the biggest thing in Beaverton  
16 since Murrayhill. Pointing out that this proposal involves complicated  
17 issues, he explained that timing and phasing of improvements are a  
18 very important part of this proposal and agreed with Commissioner  
19 Maks' indication that certain issues could be more clearly defined.

20  
21 Commissioner Maks noted that this is a difficult parcel, adding that  
22 this proposal does fit within the original conceptual lines of the concept  
23 plan. He pointed out that this is the biggest thing I have seen up here  
24 in ten years, expressing his opinion that it is necessary to do this right  
25 or not at all. Noting that everything needs to fit, he emphasized that it  
26 all hinges on when SW Barrows Road gets built.

27  
28 Referring to Facilities Review Conditions of Approval, Commissioner  
29 Maks noted that if THPRD does not accept the properties, open space,  
30 and particularly the lake (page 15 of 45 of the Subdivision Facilities  
31 Review), this would create a great liability for any Homeowner's  
32 Association.

33  
34 Ms. Kirkman advised Commissioner Maks that the developer is  
35 currently working with THPRD, who has submitted letters indicating  
36 that they are interested in obtaining and maintaining this property.

37  
38 Commissioner Maks emphasized that while they are talking, the  
39 developer has not yet reached any agreement with THPRD, adding  
40 that this would potentially create the responsibility of a lake for a  
41 Homeowner's Association. He also expressed concern with providing  
42 recreational opportunities for children within the development.

43



1 Commissioner Maks expressed his appreciation to Transportation  
2 Planner Don Gustafson for providing a Traffic Analysis that provides  
3 both AM and PM peak period traffic counts. He questioned why the  
4 intersection of SW Scholls Ferry Road and SW 125<sup>th</sup> Avenue had not  
5 been addressed, observing that the 2001 Level of Service in the  
6 Transportation Study had been identified as deteriorating and moving  
7 toward failure.

8

9 Transportation Planner Don Gustafson pointed out that this  
10 intersection had not met the criteria for being included in the study.

11

12 Commissioner Maks requested clarification with regard to why this  
13 intersection had not been identified as what he referred to as an  
14 intersection of concern.

15

16 Mr. Gustafson advised Commissioner Maks that it had been  
17 determined that there was not that great of an impact, adding that the  
18 impact had been less than 5%. He pointed out that as a current issue,  
19 staff had not determined that it was a development problem for this  
20 site, adding that other improvements in the future would address this  
21 situation.

22

23 Commissioner Voytilla expressed concern with regard to amenities for  
24 the park, emphasizing that it does not seem as if we are quite there at  
25 this time with regard to THPRD. He pointed out that it is the  
26 responsibility of the applicant to determine which amenities should be  
27 available.

28

29 Ms. Kirkman explained that staff's recommendation involves the  
30 applicant working with THPRD, which would provide some recrea-  
31 tional opportunities, which could potentially involve baseball fields or  
32 certain fields in certain areas. She pointed out that the proposed "tot  
33 lots" along areas "A", "B", and "D" would be mini-tracts, adding that  
34 these would be the responsibility of the Homeowner's Association.

35

36 Commissioner Voytilla reiterated his concern with the potential  
37 maintenance and liability costs to the Homeowner's Association,  
38 emphasizing that insurance rates have increased for common areas,  
39 most of which are minor in comparison to this proposal.

40

41 Commissioner Voytilla referred to CU 2002-0027 – Progress Quarry  
42 Conditional Use Permit Planned Unit Development/Outline Concept  
43 Plan, specifically Condition of Approval No. 5, adding that he is  
44 concerned with the wording of this condition. He pointed out that it is

1 implied that the developer might leave this obligation up to the  
2 Homeowner's Association.

3

4 Ms. Kirkman suggested modifying this Condition of Approval to specify  
5 that this shall be the responsibility of the developer.

6 Referring to CU 2002-0028 – Progress Quarry Conditional Use Permit  
7 Planned Unit Development/Preliminary Development Plan, specifically  
8 page 34 of the Staff Report, Commissioner Voytilla suggested that line  
9 14 of paragraph 2 be amended, as follows: "...provides sidewalks on all  
10 public ~~street~~ streets and most private drives to..." Referring to Policy  
11 6.2.3.e on page 44, he questioned whether staff had discussed the issue  
12 of street design and future bus routes with the Beaverton School  
13 District.

14

15 Ms. Kirkman informed Commissioner Voytilla that staff is merely  
16 indicating that the streets included in the PUD would not preclude bus  
17 routes.

18

19 Observing that there is a potential for generating a large amount of  
20 students at one bus stop, Commissioner Voytilla expressed concern  
21 with providing adequate internal circulation to address issues related  
22 to these bus stops.

23

24 Ms. Kirkman advised Commissioner Voytilla that this issue had not  
25 been addressed.

26

27 Commissioner Voytilla emphasized that he is concerned for the safety  
28 of the children, pointing out that it is not reasonable to expect that  
29 these children would not play out at the curb.

30

31 Commissioner Voytilla referred to TPP 2002-0006 – Progress Quarry  
32 Tree Preservation Plan, specifically Condition of Approval No. 3,  
33 emphasizing that there are other methods for the planting of  
34 coniferous trees besides balled and burlapped, and questioned whether  
35 tree spades is an option.

36

37 Ms. Kirkman agreed that tree spades is an alternative option.

38

39 Commissioner Voytilla suggested that this option should be included in  
40 Condition of Approval No. 5, adding that both grass and sod should be  
41 options in Condition of Approval No. 6.

42

43 Commissioner Johansen referred to CUP 2002-0027 – Progress Quarry  
44 Conditional Use Permit (Planned Unit Development/Outline Concept

1 Plan), expressing his opinion that Condition of Approval No. 3 is very  
2 specific and does not allow any variation  
3

4 Ms. Kirkman noted that because the Traffic Study had been specific  
5 with regard to the numbers, staff had felt that any deviation should  
6 address potential associated traffic impacts. She pointed out that as  
7 an example, an increase in the retail areas might create additional  
8 traffic impacts that are not being considered at this time.  
9

10 Commissioner Maks questioned whether residential use is still allowed  
11 with commercial use within the commercial lot areas.  
12

13 Mr. Sparks emphasized that nothing is preventing the applicant or any  
14 subsequent interests in those properties from coming in and building  
15 exclusively residential, adding that in the Town Center Plan, there is  
16 no mandate for mixed use, or one or the other.  
17

18 Commissioner Pogue questioned how this would be enforced.  
19

20 Mr. Sparks discussed the distribution of square footage, observing that  
21 the City of Beaverton has no formal process by which Planning staff  
22 reviews Building Permits, noting that while they review plans on an  
23 informal basis as they are submitted, they are not necessarily  
24 reviewing these plans after that point, so it could be difficult to track.  
25

26 Observing that the applicant's survey is focused on the first two phases  
27 and makes the assumption that the two streets to the north (SW  
28 Sagehen Street and SW Chukar Street) are open, Commissioner Pogue  
29 requested clarification with regard to the type of traffic that is flowing  
30 through this area.  
31

32 Mr. Gustafson referred to Figure 12 of the Traffic Study, which  
33 illustrates the distribution of trips from the development, and pointed  
34 out that this document indicates five trips or less in each direction  
35 from SW Sagehen Street and SW Scholls Ferry Road. He pointed out  
36 that this does not create any significant impact, adding that staff  
37 recommends that this street not be opened only to emergency vehicles  
38 when the development occurs.  
39

40 Referring to the Subdivision application, Commissioner Maks  
41 discussed the third paragraph of Facilities Review page 13 of 45, with  
42 regard to a multi-use path near Area F.  
43

1 Ms. Kirkman stated that this actually involves a scrivener error,  
2 noting that there had been a change in the Conditions of Approval.

3  
4 Commissioner Maks mentioned the Traffic Study recommendation  
5 with regard to the proposed southbound left-turn lane and the  
6 westbound left-turn lane to be provided at the SW Barrows Road/SW  
7 Menlor Lane intersection. He questioned whether this would be  
8 addressed within Facilities Review Conditions of Approval.  
9

10 Mr. Gustafson advised Commissioner Maks that because SW Barrows  
11 Road is a three-lane street and that SW Menlor Lane is also three  
12 lanes as it comes up to the intersection at SW Barrows Road, these  
13 turn lanes are already provided without creating any specific  
14 conditions.  
15

16 **APPLICANT:**

17  
18 **FRED GAST**, representing *Polygon Northwest*, expressed his  
19 apprecia-tion to those individuals and members of staff who have  
20 provided assistance in this proposal, which he referred to as a  
21 monumental effort, adding that he is also appreciative of the  
22 participation and input of the neighbors, all of whom he considers to be  
23 part of the team. Observing that every site involves different  
24 challenges, he pointed out that meeting these challenges involves a  
25 great deal of balances and principles. He pointed out that the  
26 applicant had made every effort to address issues with regard to  
27 buffering, open spaces, minimum and maximum density requirements,  
28 transportation, resources, and reasonable requests, emphasizing that a  
29 developer has an obligation to be as sensitive as possible to the  
30 neighbors who are being impacted. Emphasizing that the applicant  
31 believes in creating communities with a sense of place, he pointed out  
32 that resources are utilized as assets and amenities to the development,  
33 and that a high level of value is placed upon what is built within a  
34 community, adding that the site is well-endowed with both competing  
35 interests and site restraints.  
36

37 Mr. Gast referred to the existing conditions plan, observing that while  
38 this involves a site of 110 acres, only about 50% of this area is  
39 buildable. Observing that this site includes what he referred to as the  
40 deepest hole in the Washington County/Metro area, he explained that  
41 this quarry pit is 160 feet deep and involves a great deal of  
42 uncompacted fill material and will require a significant amount of  
43 grading. Noting that the site also includes a Significant Tree Grove,  
44 he pointed out that the applicant feels that this is one of the most

1 attractive aspects of the property. He mentioned that the property  
2 includes a degraded stream corridor, emphasizing that this feature has  
3 some promise to provide a nice amenity. He explained that this Town  
4 Center zoning district has no connection to SW Barrows Road, adding  
5 that the property is completely surrounded by existing development.  
6 Concluding, he expressed his opinion that this proposal involves an  
7 ambitious plan that would require an ambitious effort.

8 **MIKE MILLER**, representing *MGH Associates*, on behalf of the  
9 applicant, expressed his appreciation to the applicant team for a great  
10 deal of effort, adding that he is appreciative of the neighbors for  
11 opening up their homes and being receptive to the possibilities  
12 associated with this proposal. Observing that the applicant's goal is  
13 very simple, he emphasized that it is the same as Metro's goal to  
14 revitalize the Town Center in this region and to create a balance of  
15 quality urban and green spaces, adding that this would be achieved by  
16 taking a very degraded site and turning into a viable Town Center.

17  
18 Mr. Miller provided several illustrations of the site and proposal,  
19 observing that what was once a mountain is now a hole, adding that  
20 the applicant is attempting to take the constraints of the property and  
21 turn them into opportunities. Emphasizing that the obvious  
22 opportunity with this hole is to create a lake, he pointed out that filling  
23 this lake would involve approximately two million yards of fill.  
24 Observing that the applicant intends to utilize a great deal of  
25 terracing, he pointed out that this would create some wonderful views  
26 of the lake and all the way out to Mount Hood. Observing that several  
27 developers have reviewed this site in the past, he pointed out that Mr.  
28 Gast specializes in succeeding on projects on which others have failed.  
29 He explained that a major obstacle with this project is the lack of a  
30 road to town, noting that the developer had determined that it would  
31 be preferable to move the road to the town, rather than the town to the  
32 road, which would provide an orientation to the lake while placing the  
33 Town Center in the center of the project.

34  
35 Mr. Miller pointed out that this project proposes 20 acres of  
36 commercial area, 38 acres of open space, 17 acres of infrastructure, 12  
37 acres of lake, 15 acres of linear park, leaving approximately 30 acres  
38 for the proposed 746 housing units. He briefly described the number  
39 and various types of homes involved in the proposal, including  
40 attached dwellings consisting of carriage homes, townhomes, and  
41 apartments. He briefly discussed the different types of homes and  
42 individual neighborhoods, many of which are oriented toward a park.  
43 He described the proposed pedestrian connections, streetscape, and  
44 amenities addressing both vehicular and pedestrian needs. He

1 explained that streetscape is basically composed of what you do, how  
2 you orient buildings, and the landscape features that you propose,  
3 adding that the applicant has proposed three different types of  
4 streetscapes for this project, including an urban streetscape, a village  
5 streetscape, and a resort streetscape.

6  
7 Mr. Miller pointed out that the applicant is actively talking with  
8 THPRD, staff, and the City of Tigard in an effort to address everyone's  
9 concerns, adding that they are also attempting to provide a better  
10 name for the project than Progress Quarry. Observing that the  
11 proposal includes a number of mini-parks within the community, he  
12 emphasized that the lake would provide an amenity that would  
13 establish this community. Concluding, he briefly reiterated previous  
14 comments with regard to the applicant's goals and intents with this  
15 proposal and offered to respond to questions.

16  
17 Commissioner Maks expressed his appreciation to both Mr. Miller and  
18 Mr. Gast for this quality proposal and application. Emphasizing the  
19 importance of infrastructure and that this infrastructure would be  
20 costly, he pointed out that he is also concerned with where he is going  
21 to play catch with his kid without driving away from the area.

22  
23 Mr. Gast explained that in his experience, the rule of thumb indicates  
24 that there is generally a ratio of approximately ten children for every  
25 100 attached homes. He mentioned that this proposal provides a  
26 variety of parks that includes both passive and active recreation. He  
27 explained the issues involved when more is put into play structures,  
28 equipment, and play areas, observing that as an area becomes a public  
29 amenity, there is a significant increase in exposure and liability. He  
30 emphasized that the applicant is working with THPRD to provide  
31 reasonable recreational opportunities within the development,  
32 including some access to the lake.

33  
34 Commissioner Maks requested further details with regard to the  
35 proposed streets and sidewalks.

36  
37 Mr. Miller advised Commissioner Maks that the sidewalks would be  
38 varied by 6 feet to 12 feet.

39  
40 Commissioner Maks mentioned his concern with parking, specifically  
41 in Areas D and E.

42  
43 Observing that parking is a very significant issue with regard to  
44 density, Mr. Gast emphasized that regardless of how much is provided,

1       there is never enough parking in any type of development. He  
2       explained that the parking proposed for Area D is actually greater  
3       than that at either Magnolia Green or West Park, emphasizing that  
4       the parking at West Park does not include driveways.

5  
6       Commissioner Maks questioned the length of the proposed driveways.  
7       Mr. Gast advised Commissioner Maks that the proposed driveways are  
8       a minimum of 18½ feet, emphasizing that while the applicant is very  
9       concerned with the proposed 1½ parking spaces per unit, the minimum  
10      requirement is one parking space per unit.

11  
12      Commissioner Maks requested clarification with regard to where the  
13      school buses would be able to pick up students in Areas A, B, and C.

14  
15      Emphasizing that he does not feel comfortable responding for school  
16      districts, Mr. Gast advised Commissioner Maks that while the buses  
17      would have the ability to pick up the students wherever it is necessary,  
18      there are locations that are obviously more appropriate than others.

19  
20      On question, **MARC BUTORAC**, representing *Kittelson & Associates*,  
21      on behalf of the applicant, informed Commissioner Maks that the  
22      information with regard to Level of Service on Figure 4 and Figure 7,  
23      specifically the intersection of SW Barrows Road and SW Walnut  
24      Street, is based upon the assumption that the intersection would be  
25      signalized.

26  
27      Commissioner Maks expressed his opinion that this would not be  
28      possible without the SW Murray Boulevard Extension and was advised  
29      by Mr. Gustafson that this is true. He requested clarification with  
30      regard to the 85<sup>th</sup> percentile speed on SW Barrows Road.

31  
32      Mr. Butorac informed Commissioner Maks that he would obtain that  
33      information for him.

34  
35      Observing that it is one of his greatest concerns with regard to this  
36      proposal, Commissioner Maks requested further information with  
37      regard to phasing.

38  
39      Mr. Gast stated that the applicant is committing to a significant level  
40      of infrastructure within this development, adding that while there is a  
41      commitment with regard to various levels of improvement, most of the  
42      timing information is not available in the Staff Reports. He explained  
43      that the majority of the infrastructure would be implemented prior to

1 the release of Certificates of Occupancy for any of the units within  
2 Phase 1.

3

4 Commissioner Maks emphasized that the Condition of Approval  
5 provides that SW Barrows Road would be built, but not necessarily  
6 open, prior to the completion of Phase 1.

7

8 Mr. Gast assured Commissioner Maks that if the road is built it will be  
9 open.

10

11 Commissioner Maks advised Mr. Gast that the issue involving the City  
12 of Tigard would also need to be resolved prior to occupancy.

13

14 Mr. Gast informed Commissioner Maks that SW Barrows Road would  
15 be constructed prior to the completion of Phase 1 and that the  
16 applicant would also submit an appropriate development application  
17 with the City of Tigard prior to that time.

18

19 Commissioner Maks questioned whether it is possible to hinge the  
20 linear park to anything.

21

22 Mr. Gast stated that the linear park would be provided prior to the  
23 completion of Phase 1.

24

25 On question, Mr. Butorac advised Commissioner Maks that although  
26 the applicant had not actually measured the 85<sup>th</sup> percentile on SW  
27 Scholls Ferry Road, observations indicate that it significantly exceeds  
28 the 40 MPH posted speed limit.

29

30 Commissioner Maks emphasized that he always requests information  
31 with regard to the 85<sup>th</sup> percentile, noting that this is related to  
32 visibility.

33

34 Mr. Butorac explained that the traffic signal at SW Walnut Street and  
35 SW Barrows Road changes the environment and creates a speed break  
36 in the roadway, adding that the realignment of the bridge and  
37 development along that corridor would also have a significant effect.

38

39 Observing that he does not live nearby, Commissioner Johansen  
40 questioned where he would park if he wishes to sit by the lake on a  
41 beautiful summer night.

42



1 Mr. Gast stated that while parking is never adequate, presumably  
2 Commissioner Maks would find an appropriate place to park near the  
3 site.

4  
5 Referring to the proposed relocation of SW Barrows Road,  
6 Commissioner Johansen questioned whether there is any reason to  
7 believe that this would not occur.

8  
9 Mr. Gast informed Commissioner Johansen that there is no reason not  
10 to believe that SW Barrows Road would be relocated, as proposed.

11  
12 Commissioner Johansen stated that SW Barrows Road would  
13 ultimately function as an arterial, and questioned whether there are  
14 any safety issues connected to this proposed active park area south of  
15 SW Barrows Road. He pointed out that reaching this area would  
16 involve crossing what he considers a very busy road, and questioned  
17 whether any mitigation is available to address potential safety issues.

18  
19 Mr. Miller informed Commissioner Johansen that this has been  
20 discussed with the Traffic Engineer, adding that there are plans to  
21 install a traffic refuge and island in the middle of the street, which  
22 could potentially include blinking lights and crosswalks.

23  
24 On question, Mr. Butorac advised Commissioner Johansen that  
25 pedestrian use on the south side would not create or trigger the need  
26 for a signal at SW Menlor Road. Emphasizing that painting stripes on  
27 this road would basically provide a dangerous and false sense of  
28 security to the pedestrians, he explained that the cross section of SW  
29 Menlor Road has been narrowed as much as possible.

30  
31 Mr. Gast interjected that the timing for the intersection is at the end of  
32 Phase 1, rather than Phase 2.

33  
34 Mr. Gustafson clarified that the Condition of Approval had been  
35 prepared so that once 400 units have been created, regardless of which  
36 phase had occurred, the installation of the traffic signal would be  
37 triggered.

38  
39 Commissioner Winter mentioned a letter from Ronald Willoughby of  
40 THPRD, dated January 16, 2003, indicating that the lake's value as a  
41 scenic vista only would not be a direct value to the park district.

42  
43 Mr. Gast assured Commissioner Winter that based upon Mr.  
44 Willoughby's comments in this letter, the applicant's plans for lake had

1       been revised, emphasizing that these plans have been expanded to  
2       provide more of an amenity.

3

4       Mr. Miller referred to a drawing illustrating the plans for the lake,  
5       including a series of steps, adding that because of the dangerous, steep  
6       slopes, there would be no pathway all the way around.

7

8       Commissioner Winter questioned whether THPRD is satisfied with the  
9       revised plans for the lake.

10

11       Mr. Miller advised Commissioner Winter that the applicant has not  
12       specifically reviewed the revised plans for the lake with THPRD.

13

14       Commissioner Winter pointed out that THPRD does not appear to be  
15       very interested in a lake that serves only scenic purposes.

16

17       Mr. Gast pointed out that everyone is concerned with the potential for  
18       interaction with regard to this amenity, adding that an agreement  
19       with THPRD would create a greater opportunity. Emphasizing that he  
20       has a great deal of experience working with THPRD, he noted that he  
21       feels comfortable that the applicant will be able to make some sort of  
22       arrangement with THPRD with regard to the lake.

23

24       Observing that the slope is quite steep, Commissioner Winter  
25       requested further information with regard to visibility of the lake with  
26       trees planted around it.

27

28       Mr. Gast explained that while the applicant is attempting to create a  
29       forested backdrop for the lake, they are not expecting to equate this  
30       amenity with Crater Lake, adding that the primary viewpoint is from  
31       the commercial area on SW Barrows Road.

32

33       Commissioner Winter mentioned the 104 proposed guest parking  
34       spaces in Area A.

35

36       Mr. Miller noted that he does not believe that these parking spaces  
37       count, adding that in addition to parking opportunities along the Loop  
38       Road, two garage spaces are provided with each residence.

39

40       Mr. Gast explained that nearly three parking spaces are available for  
41       every home in Area A.

42

43       Commissioner Voytilla expressed his appreciation of what he considers  
44       an extremely well-prepared application on this very challenging site.

1 Referring to the proposed fencing for Tract A, which involves a four-  
2 foot fence around a Significant Grove, he noted that he is concerned  
3 with the concept to keeping people out. Observing that the fence  
4 would serve to keep honest people out of the area, he pointed out that  
5 without other play areas, children would be attracted to this area. He  
6 expressed his opinion that a four-foot fence is merely an invitation to  
7 climb over and keep going, and questioned whether the proposal  
8 includes adequate amenities to serve the number of people that would  
9 be living and interacting in this area. He requested further  
10 information with regard to pedestrian activity on the site.

11  
12 Mr. Gast advised Commissioner Voytilla that he anticipates a great  
13 deal of pedestrian interaction in the area.

14  
15 Commissioner Voytilla agreed that there would be a great deal of  
16 pedestrian activity, adding that he has concerns with regard to safety.

17  
18 Observing that the applicant also has concerns with safety issues, Mr.  
19 Gast pointed out that there is only so much that can be done to address  
20 these issues.

21  
22 Commissioner Voytilla noted that some solutions create a series of  
23 unintended, but additional problems and issues, adding that his visits  
24 to several of *Polygon Northwest's* other sites had created some concern  
25 with regard to parking and grading issues and street sweeping.

26  
27 Mr. Miller explained that staff has proposed a Condition of Approval to  
28 address the issue of street sweeping.

29  
30 Commissioner Voytilla mentioned the possibility of a resident leaving  
31 an extra vehicle parked on the street for long periods of time, observing  
32 that this would interfere with street sweeping.

33  
34 Mr. Gast explained that the City of Portland tows vehicles that are in  
35 the way when they are sweeping streets.

36  
37 Mr. Miller emphasized that because the Loop Road is a public street,  
38 the City of Beaverton would have more opportunity for enforcement.

39  
40 Commissioner Voytilla noted that when parking is transferred to  
41 public streets, it becomes a City problem, adding that enforcement is  
42 costly and that the removal of abandoned vehicles involves a long  
43 process. Observing that this site has numerous constraints, he pointed

1 out that he is not certain that this proposal is the right product for this  
2 site.

3  
4 Mr. Gast expressed his opinion that this proposal is appropriate for  
5 this site, adding that he is unable to prevent an individual who is  
6 single and lives in a two-bedroom unit with two garage spaces from  
7 owning three vehicles. He pointed out that the late Planning  
8 Commissioner Chuck Heckman had always made the comment that  
9 you can not protect people and that they have the absolute right to be  
10 stupid and you can not protect them.

11  
12 Commending the applicant for taking advantage of the opportunities  
13 that are available, Commissioner Pogue questioned how financial  
14 issues and other aspects of the proposal would be affected if THPRD  
15 did not accept responsibility for the open space and lake area.

16  
17 Emphasizing that it would be advantageous for the majority of the  
18 open space to be in public hands, Mr. Gast pointed out that with less  
19 area to maintain, the Home Owner's Association (HOA) fees would be  
20 less. He explained that the applicant has made the assumption that  
21 the HOA would bear the responsibility for the majority of the open  
22 spaces, with the exception of several of the areas that might be  
23 maintained by THPRD, which would make the fees more affordable for  
24 those in the HOA. He noted that the HOA tract would provide what he  
25 referred to as a more passive amenity with more natural open spaces,  
26 adding that the tract maintained by THPRD would be more active,  
27 involving more facilities.

28  
29 Commissioner Pogue questioned how the applicant's ability to market  
30 the units and properties could be potentially affected by the possibility  
31 that THPRD might not accept responsibility for any of the open space.

32  
33 Mr. Gast explained that this would mean that the applicant would set  
34 aside a great deal of natural open space areas, noting that the  
35 maintenance level for these areas is quite light. He emphasized that  
36 because the annual water for the lake has been paid for twenty years  
37 in advance, neither THPRD nor the HOA would end up with this cost,  
38 adding that the applicant has determined that the HOA fees would not  
39 be excessive for the product they are marketing.

40  
41 Commissioner Pogue requested clarification with regard to the  
42 completion of the Loop Road.

43

1 Mr. Gast clarified that the section of the Loop Road that primarily  
2 deals with Areas A, B, and C would be completed before the Certificate  
3 of Occupancy is issued for the entire Phase 1 area.

4  
5 Commissioner Pogue requested clarification with regard to operation of  
6 school buses within the development.

7  
8 Observing that the applicant had not actually planned for school buses,  
9 Mr. Gast explained that two accesses that would allow these vehicles  
10 to maneuver appropriately are available.

11  
12 Chairman Barnard expressed his opinion that the applicant should  
13 actively attempt to address issues with THPRD, adding that this  
14 might involve amenity changes as well as adaptations to make certain  
15 that they are interested in this lake area,

16  
17 Mr. Gast concurred with Chairman Barnard's comments with regard  
18 to reaching an agreement between the applicant and THPRD.

19  
20 Chairman Barnard questioned whether the proposal involves what he  
21 referred to as "clean cut phasing", noting that this basically involves  
22 completing each phase in order.

23  
24 Mr. Gast stated that this "clean cut phasing" would be basically be  
25 true, adding that because a great deal depends upon the velocity and  
26 type of homes that are selling, Phase 2 could possibly start prior to the  
27 completion of Phase 1 and that Phase 3 could potentially be started  
28 before Phase 2. He assured Chairman Barnard that roads and all  
29 other infrastructure would be completed and operating prior to any  
30 occupancy.

31  
32 Commissioner Winter requested clarification with regard to the  
33 locations of the view points on the Loop Road.

34  
35 Mr. Miller indicated on the illustration the locations of the two  
36 proposed view points.

37  
38 Commissioner Winter requested a definition of the word "rectilinear".

39  
40 Mr. Miller described rectilinear as a long rectangle, adding that this  
41 sidewalk would include squared off scoring patterns, as opposed to a  
42 meandering sidewalk. He explained that the proposal includes varied  
43 streetscapes in the resort area, noting that this would be more

1           meandering and trail-like, as opposed to what he referred to as an  
2           urban feel.

3

4           9:30 p.m. to 9:41 p.m. – recess.

5

1 **PUBLIC TESTIMONY:**

2  
3 **JAN SCHUKART** mentioned that as a homeowner in the Windsor  
4 Park area for six years, she has learned that contrary to the applicant's  
5 claim that there are ten children per 100 homes, her neighborhood has  
6 20 children per 13 homes, adding that her neighborhood and the  
7 adjoining neighborhoods must all be abnormal. Observing that she  
8 has concerns with the way in which several issues relating to this  
9 development would be addressed, she questioned how the plateau  
10 located behind her home in the southwest corner of the subject site  
11 would be removed, and specifically how the existing homes would be  
12 protected against the earth removal, emphasizing that the debris that  
13 would be created in the air by this removal would have to go  
14 someplace. She pointed out that the proposal appears to include a  
15 buffer between the development and the Windsor Park homes, adding  
16 that she would like information with regard to the height and width of  
17 this proposed buffer. She explained that she also has major concerns  
18 with regard to what she referred to as a huge structure behind her  
19 home, noting that this structure would be very massive with the  
20 potential to completely block her back yard.

21  
22 Ms. Schukart observed that she is also concerned with the potential  
23 overcrowding of the schools, adding that Scholls Heights is currently  
24 operating at maximum and that both Conestoga Middle School and  
25 Southridge High School are nearly at their maximum capacity.  
26 Emphasizing that overcrowding is already an issue, she questioned  
27 whether the applicant is offering a solution and expressed her opinion  
28 that it should not be up to the Beaverton School District to address  
29 this issue, adding that this should be considered prior to approval of  
30 the proposal.

31  
32 Ms. Schukart explained that she has concerns with regard to traffic on  
33 SW Barrows Road, adding that many drivers are currently driving  
34 faster than the posted limit of 40 miles per hour. She pointed out that  
35 the Windsor Park students cross SW Barrows Road to board the school  
36 bus, noting that additional students and additional vehicles would  
37 create additional safety issues. She emphasized that the entire plan  
38 should be reviewed at this time, rather than attempting to provide  
39 solutions along the way.

40  
41 Ms. Schukart discussed her concern with the proposed open spaces,  
42 noting that children throughout the area cross SW Barrows Road to  
43 get up to Scholls Heights Elementary School in order to access the  
44 playground, emphasizing that this site provides the only area where

1 these children play at this time. She pointed out that issues with  
2 regard to the creek and animal preservation has been discussed,  
3 adding that perhaps will be discussed by at the level of the Board of  
4 Design Review. Concerning, she emphasized that her final concern  
5 involves the significant curve on the southwest corner of SW Barrows  
6 Road, and specifically how relocating the road would address this  
7 curve.

8  
9 Observing that some of his issues had been addressed, SAM  
10 HUNAIDI, expressed concern with Phase 3, specifically the proposed  
11 commercial area, emphasizing that the applicant has not defined what  
12 type of a commercial area would be developed, noting that this could  
13 involve high traffic generators such as a grocery store, *Walmart Store*,  
14 or *Target Store*. He questioned whether the park is intended to serve  
15 only the neighborhood and or if members of the public would be  
16 allowed to utilize the park, as well as what type of park facilities would  
17 be involved. He requested clarification with regard to whether the  
18 previous plan to close SW Barrows Road was included in this Traffic  
19 Study, noting that there had also been some discussion at one point  
20 with regard to possibly realigning the connection of SW Barrows Road  
21 to SW Scholls Ferry Road. He mentioned that he is also concerned  
22 with additional traffic and vehicular speed in this area. Concluding,  
23 he emphasized that schools are already operating at maximum levels,  
24 expressing his opinion that this proposal would increase the student  
25 load beyond capacity.

26  
27 Observing that school availability is not listed in the applicable  
28 criteria, Commissioner Voytilla advised both Mr. Hunaidi and Ms.  
29 Schukart that any decision with regard to this proposed development  
30 can not be based upon school capacity.

31  
32 Mr. Hunaidi pointed out that while he is aware that school capacity  
33 would not affect the decision, he is attempting to determine whether  
34 the Beaverton School District has plans for expansion for this area.

35  
36 Commissioner Voytilla explained that any application for development  
37 involves contacting the school district, which generates what he  
38 referred to as a Service Provider Letter with regard to capacity issues  
39 and concerns, emphasizing that this is beyond the control of the  
40 Planning Commission with regard to approval. Observing that he is a  
41 member of staff of the Beaverton School District, he advised Mr.  
42 Hunaidi that the district is currently in the process of identifying  
43 school capacity needs for the next bond measure. He stressed that this



1 involves a long-term process, adding that the district is continually  
2 monitoring where growth is occurring.

3  
4 Commissioner Maks assured Mr. Hunaidi that many of the individuals  
5 on the Planning Commission are very involved with the school district,  
6 noting that the only time the school district becomes an issue is when  
7 the Comprehensive Plan Map is revised. He explained that this map  
8 had been revised in 1998, at which time the Planning Commission had  
9 placed a cap on the number of residential units in this area, noting  
10 that this cap does not exceed the existing density that has been in  
11 place for a long time. He pointed out that the Planning Commission  
12 has always and would continue to address school issues within the  
13 parameters of the State law. He noted that questions with regard to  
14 commercial uses could be addressed by staff, adding that there is a  
15 specific number of uses and type of commercial applications that could  
16 potentially be created within this area. He mentioned that at some  
17 future point, SW Barrows Road is expected to close off with SW Scholls  
18 Ferry Road at one end, adding that it would then connect to SW Davies  
19 Road following the completion of SW 125<sup>th</sup> Avenue.  
20

21 **CATHERINE SAFADI** stated that she has lived in the Bull Mountain  
22 Meadows area for over ten years, adding that while she considers this  
23 proposal to be a great opportunity for the area, it would become a  
24 destination area. Observing that she would like to have the ability to  
25 walk to the lake, she emphasized that it would be necessary to be able  
26 to safely cross SW Barrows Road to access the lake. She noted that the  
27 lighting in the dip area is extremely poor, adding that because drivers  
28 tend to speed up in the dip area, safety is an issue that needs to be  
29 addressed. She explained that the Scholls Heights area has more than  
30 500 homes and nearly 700 students, expressing her opinion that it is  
31 necessary to determine at this time how these children would get to  
32 school. Concluding, she mentioned that while she is excited about the  
33 park, she pointed out that she envisions issues with regard to ducks,  
34 adding that she would like clarification with regard to how this facility  
35 would be maintained.  
36

37 Chairman Barnard discussed the statistics related to providing cross-  
38 walks across roadways in sections that do not include intersections or  
39 lighting, observing that because people feel safer and exercise less  
40 caution when crossing, these crosswalks are actually more dangerous.

41  
42 **KEONI ADAMS** expressed concern with traffic issues with regard to  
43 Hamilton Heights, which is located at the north end of the proposal,  
44 and pointed out that even adequate on-site parking does not prevent

1 some individuals from parking in the street, adding that these vehicles  
2 are generally in the way of moving traffic. He mentioned that there  
3 has been no information with regard to how much traffic would be  
4 increased as the result of SW Horizon Road being hooked up to SW  
5 Scholls Ferry Road.

6  
7 Commissioner Maks advised Mr. Adams that both SW Scholls Ferry  
8 Road and SW Murray Road are failing at this time and assured him  
9 that they would both continue to fail in the future.

10  
11 **APPLICANT REBUTTAL:**

12  
13 Mr. Gast referred to concern with regard to the proposed buffer on  
14 Hamilton Heights, noting that this had been an area of concern for the  
15 applicant and had been mentioned at the Neighborhood Meetings.  
16 Observing that the applicant has had experience in this area, he  
17 mentioned that it is true that the Progress Quarry site is situated  
18 above Hamilton Heights. He explained that in an effort to address this  
19 issue, the applicant has proposed a 35-foot wide buffer, consisting of  
20 the standard buffer mix of evergreen material on top of some sort of a  
21 transitional berm, which would vary, based upon where the grades  
22 catch. Pointing out that the homes would be three stories in height, he  
23 noted that the applicant had proposed measures to address this issue,  
24 including dropping the grade, which would result in a two-story  
25 elevation across the 35-foot wide buffer area. Noting that the school  
26 capacity issues have been addressed, he explained that while the  
27 Beaverton School District had anticipated a possible 4,500 units and  
28 the original proposal had provided for 2,500 units, only 764 units are  
29 included in the final proposal.

30  
31 Mr. Gast discussed traffic issues, pointing out that the linear park  
32 provides the opportunity to get off of SW Barrows Road, observing that  
33 with regard to this treacherous stretch of sidewalk, the applicant offers  
34 a better route to the town center. Referring to the creek and buffer  
35 areas, he explained that the applicant has already obtained  
36 appropriate permits from both the Oregon Department of State Lands  
37 and the Army Corps of Engineers. Concluding, he mentioned that staff  
38 is most likely the best resource for information with regard to potential  
39 commercial design related to the proposal.

40  
41 Observing that staff has nothing to add in response to comments by  
42 the applicant and public, Mr. Sparks offered to respond to questions  
43 with regard to the proposed commercial area. Referring to uses that  
44 are permitted within the Town Center zoning district, he explained

1 that this includes a very wide range of commercial uses, including a  
2 grocery store, a *Walmart Store*, or a *Fred Meyer Store*, and briefly  
3 described some of the potential use restrictions associated with these  
4 potential uses. He pointed out that the pink area in the applicant's  
5 illustration involves an area that would involve a proposal and review  
6 prior to any development.

7  
8 Assistant City Attorney Ted Naemura indicated that he has no  
9 comments with regard to this proposal.

10  
11 The public portion of the Public Hearing was closed.

12  
13 Commissioner Maks stated that while he appreciates the applicant's  
14 overall plan, he does have some questions. He pointed out that the  
15 phasing issue with regard to SW Barrows Road could be addressed  
16 with the first occupancy on Phase 1, noting that SW Barrows Road  
17 would be open and running and that this would also address issues  
18 with regard to the SW 152<sup>nd</sup> Avenue stub. He pointed out that while  
19 he would like to be able to somehow hinge the linear park, because  
20 both *Polygon Northwest* and Mr. Gast are a class act and they always  
21 deliver a product that meets expectations, he is willing to let the linear  
22 park go, adding that he believes that Mr. Gast will achieve his goal.  
23 Observing that he would prefer an improved pedestrian connection, he  
24 noted that the applicant has met minimum standards and that staff  
25 has recommended approval. He emphasized that a Planned Unit  
26 Development and a Conditional Use Permit basically involves a give  
27 and take situation. Referring to the light at SW Horizon Road, he  
28 pointed out that this light involves both a safety issue and a pedestrian  
29 flow issue, adding that he could locate applicable criteria with regard  
30 to these applications.

31  
32 Commissioner Winter stated that he is very concerned that issues have  
33 not been resolved with THPRD, adding that he also has concerns with  
34 safety issues with regard to this very heavily traveled street.

35  
36 Emphasizing that this proposal involves a site that is extremely  
37 difficult to develop, Commissioner Johansen reiterated Commissioner  
38 Maks' statements with what he referred to as a quality developer who  
39 has established an excellent track record in the City of Beaverton.  
40 Observing that most of his concerns had been addressed, he pointed  
41 out that while he is still concerned with the potential involvement of  
42 THPRD, because he feels confident that the applicant has a strong  
43 motivation to make certain that this occurs, he is willing to be  
44 comfortable with the situation based upon this assumption. He

1 pointed out that he is still concerned with the pedestrian safety issue,  
2 emphasizing that SW Barrows Road is already a very busy street and  
3 would become even busier with this proposal.  
4

5 Chairman Barnard stated that he is concerned with pedestrian safety  
6 and balancing the potential cost of a traffic light, adding that  
7 pedestrian connectivity is also an important issue, although he does  
8 not anticipate viewing the backs of the buildings where the fronts are  
9 all on SW Barrows Road. He questioned whether the installation of a  
10 flashing light on SW Menlor Lane would serve to address certain  
11 safety issues. He expressed his opinion that the applicant is making  
12 every possible effort to address issues related to THPRD with regard to  
13 the park and open space.  
14

15 Commissioner Voytilla commented that he has been impressed with  
16 this project from the beginning, as well as the quality of past projects.  
17 He pointed out that his greatest concern involves the issue with regard  
18 to THPRD, emphasizing that unless they participate, the park and  
19 open space would create a burden for future residents and possibly the  
20 City of Beaverton. Referring to the physical characteristics of the site,  
21 he explained that the maintenance is a liability, adding that this would  
22 include numerous details and amenities that should be addressed in a  
23 PUD. He expressed concern that the applicant has not yet submitted  
24 an application with the City of Tigard, noting that this should have  
25 been addressed concurrently with the City of Beaverton applications.  
26 He discussed concerns with regard to pedestrian safety on SW Barrows  
27 Road, as well as the realignment of the road and clearance of the creek.  
28 He pointed out that he is uncomfortable with the potential of the  
29 Planning Commission in attempting to determine amenities for  
30 recreational facilities identified in the Staff Report, emphasizing that  
31 this is not their responsibility.  
32

33 Referring to Comprehensive Plan Policy 5.8.1.H, which states that the  
34 City shall encourage park acquisition and appropriate development,  
35 Commissioner Voytilla noted that the encouragement of park  
36 acquisition is a sort of a two-way street, adding that staff should  
37 facilitate this discussion with the developer. He explained that solving  
38 a problem in one way often creates problems in other areas, and noted  
39 that he is concerned with issues with regard to day-to-day living  
40 issues, such as street cleaning, policing, and enforcement. He  
41 expressed his opinion that the issues with regard to school  
42 transportation should be discussed with the school district, adding that  
43 he still has unanswered questions and is not quite ready to approve  
44 this proposal.

1 Commissioner Pogue noted that there has been a great deal of discus-  
2 sion with regard to the character of the applicant, adding that their  
3 reputation is also quite apparent by the fact that not many members of  
4 the public had expressed a great deal of concern with regard to this  
5 proposal. He expressed his appreciation of staff's efforts to work with  
6 the applicant, adding that while he is still concerned with parking and  
7 is not comfortable with what has been proposed thus far, his other  
8 concerns with regard to these applications have been satisfied.

9

10 Chairman Barnard clarified that while most of the Planning  
11 Commissioners appear to be comfortable with the CUP concerning the  
12 Outline Concept Plan, there are still concerns with regard to  
13 pedestrian access and the participation of THPRD.

14

15 Commissioner Maks referred to issues with regard to the linear park,  
16 the lake, and common areas, expressing his opinion that it is unfair to  
17 harm an applicant based upon the actions of another. He pointed out  
18 that the applicant still has to address the issue of the park and the  
19 lake, whether THPRD decides to participate or not.

20

21 Chairman Barnard explained that he is concerned with locating a  
22 housing development and a park on opposite sides of a major arterial.

23

24 Commissioner Maks expressed his opinion that the light at SW  
25 Horizon Boulevard should be tied to the first occupancy permit.

26

27 Chairman Barnard questioned whether the light is economically  
28 feasible.

29

30 Mr. Sparks stated that the applicant has indicated a willingness to  
31 install a signal at SW Horizon Boulevard upon the issuance of the  
32 100<sup>th</sup> Certificate of Occupancy.

33

34 Chairman Barnard expressed his opinion that this is reasonable, and  
35 Commissioner Maks concurred.

36

37 Mr. Sparks suggested the possibility of conditioning this as a part of  
38 the Outline Concept Plan, specifically providing for the installation of  
39 the lights although they would not operate until the park is installed.

40

41 Chairman Barnard requested clarification with regard to addressing  
42 Areas G and H for access.

43

1 Mr. Sparks advised Chairman Barnard that Transportation staff  
2 should review and discuss these issues with the applicant's  
3 transportation team.

4  
5 Commissioner Maks emphasized that pedestrian safety improves when  
6 traffic lights break up the traffic flow.

7  
8 Commissioner Voytilla reiterated his concerns with regard to  
9 maintenance issues concerning the landscaping, park, and open space  
10 areas, adding that he is not comfortable making a decision until this  
11 major issue has been appropriately addressed. He suggested the  
12 possibility of approving the Conditional Use Permit for the Outline  
13 Concept Plan at this time and continuing the remaining six  
14 applications to allow the applicant the opportunity to resolve certain  
15 issues. He discussed the inevitable enforcement and policing issues  
16 that would be associated with any public access to the facilities.

17  
18 Mr. Sparks suggested a brief recess to allow staff the opportunity to  
19 caucus with the applicant's to discuss potential options.

20  
21 10:48 p.m. to 10:55 p.m. – recess.

22  
23 Mr. Sparks advised Chairman Barnard that the applicant's  
24 representative, Mr. Gast, has agreed that if a decision is made this  
25 evening with regard to the Conditional Use Permit for the Outline  
26 Concept Plan, they would be willing to accept continuing the  
27 remaining six applications until April 2, 2003. He explained that staff  
28 and the applicant would work together to review and revise the  
29 Conditions of Approval, as appropriate, as they pertain to issues raised  
30 tonight, including pedestrian safety and THPRD and/or Home Owner's  
31 Association maintenance and liability responsibility issues. He  
32 suggested that this continuance should hold the record open only for  
33 the purpose of addressing these specific issues.

34  
35 Commissioner Maks questioned whether staff would also address the  
36 timing issue with regard to SW Barrows Road and first occupancy.

37  
38 Mr. Sparks assured Commissioner Maks that this would be included in  
39 the revisions.

40  
41 Observing that there had been a significant change to the Conditions  
42 of Approval, Chairman Barnard pointed out that this would provide  
43 staff the opportunity to include all of this information in one clean  
44 document.

1 Mr. Sparks advised Chairman Barnard that staff's intention is to  
2 provide seven separate land use orders pertaining to seven separate  
3 applications and decisions.

4  
5 Commissioner Johansen expressed his opinion that this is a good  
6 solution, adding that he is concerned that the pedestrian issue in the  
7 southwest portion of the site has not yet been addressed.

8  
9 Mr. Sparks explained that the Traffic Analysis indicates that a  
10 crosswalk and/or light at the southwest corner is not warranted, based  
11 upon the impact of the development. He pointed out that staff would  
12 be very hard pressed to prepare a justifiable condition to address an  
13 impact that is not documented.

14  
15 Chairman Barnard noted that Mr. Gustafson had mentioned that SW  
16 Barrows Road does provide a buffer area in the center, emphasizing  
17 that this does create a safer area for pedestrian crossing.

18  
19 Commissioner Maks expressed his opinion that it is safer to walk along  
20 SW Barrows Road, emphasizing that the traffic light at SW Horizon  
21 Boulevard would serve to break up the traffic.

22  
23 Commissioner Voytilla noted that some of the concerns involved those  
24 individuals residing in the housing safely crossing SW Barrows Road  
25 where no crossing is identified. He mentioned that the applicant  
26 should determine whether it would be necessary to file an appropriate  
27 application with the City of Tigard, adding that the record should be  
28 left open until this information has been submitted.

29  
30 Observing that this week is Spring Break, Mr. Sparks questioned  
31 whether the employees at the Beaverton School District would be  
32 unavailable until the following week when school resumes.

33  
34 Commissioner Voytilla advised Mr. Sparks that although the district  
35 offices are probably closed this week, they would reopen again on  
36 Monday.

37  
38 Commissioner Pogue emphasized that he is in favor of holding this  
39 Public Hearing open for an additional week for clarification purposes.

40  
41 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**  
42 a motion to suspend the 11:00 p.m. deadline until 11:15 p.m.

43  
44 Motion **CARRIED**, unanimously.

1 Commissioner Voytilla pointed out that it would be necessary to  
2 determine whether both the homeowners and the public would be  
3 allowed to utilize the park facilities, adding that he is concerned with  
4 potential enforcement issues.

5  
6 Commissioner Pogue noted that he would like to clarify what the  
7 expectations are prior to resuming this issue the following week.

8  
9 On question, the applicant assured the Planning Commission that they  
10 are comfortable with their ability to provide this requested information  
11 by next week.

12  
13 Mr. Sparks summarized the Planning Commission's expectations of  
14 the applicant with regard to holding the record open until the following  
15 week, as follows:

- 16  
17 1. The THPRD/Home Owner's Association issue with regard  
18 to maintenance and liability of the park and open space.  
19 2. Pedestrian connections along SW Barrows Road.  
20 3. Necessary application with the City of Tigard for SW  
21 152<sup>nd</sup> Terrace.  
22 4. Communication with the Beaverton School District with  
23 regard to student transportation.  
24

25 Mr. Sparks reviewed the procedure for holding the record open, and  
26 pointed out that the applicant would be expected to submit additional  
27 written material through staff, adding that this information could be  
28 submitted until the evening of Wednesday, April 2, 2003. He  
29 explained that at that time, the Planning Commission would be  
30 responsible to determine whether the materials and information  
31 satisfy applicable criteria, at which time they would make findings for  
32 approval on the remainder of the materials. He pointed out that this  
33 would result in seven separate land use orders that would be reflective  
34 of the material presented, noting that these land use order would  
35 include all new Conditions of Approval, emphasizing that staff would  
36 hopefully be able to provide this information for review by members of  
37 the Planning Commission by Tuesday, April 1, 2003.

38  
39 At the request of Chairman Barnard, Ms. Kirkman clarified that the  
40 modifications referenced at the beginning of the hearing involve both  
41 CU 2002-0027 – Progress Quarry Conditional Use Permit (Planned  
42 Unit Development/Outline Concept Plan) and CU 2002-0028 –  
43 Progress Quarry Conditional Use Permit (Planned Unit Development/  
44 Preliminary Development Plan.



Commissioner Maks **MOVED** and Commissioner Winter **SECONDED** a motion to **APPROVE** CUP 2002-0027 – Progress Quarry Conditional Use Permit (Planned Unit Development/Outline Concept Plan) based upon the testimony, reports and exhibits, and new evidence presented during the Public Hearing on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated March 19, 2003, as amended by staff, including additional information provided in the Memorandums dated March 24, 2003, and March 25, 2003, including Conditions of Approval Nos. 1 through 6, and adopting Condition of Approval No. 7, as follows:

7. The future developer of the northern commercial area (Lot 207) shall provide a pedestrian access way which connects the pathway located between the Loop Road and the northern boundary of Lot 207 to a location on the southern boundary of Lot 207 adjacent to the realigned SW Barrows Road. The pathway alignment through Lot 207 shall provide the most direct access across Lot 207 to the open space amenities located south and west of Lot 207.

Motion **CARRIED** by the following vote:

**AYES:** Maks, Winter, Johansen, Pogue, Voytilla, and Barnard.  
**NAYS:** None.  
**ABSTAIN:** Bliss.  
**ABSENT:** None.

Commissioner Maks **MOVED** and Commissioner Winter **SECONDED** a motion to **CONTINUE** CUP 2002-0028 – Progress Quarry Conditional Use Permit (Planned Unit Development/Preliminary Development Plan) to a date certain of April 2, 2003.

Motion **CARRIED**, unanimously.

Commissioner Maks **MOVED** and Commissioner Winter **SECONDED** a motion to **CONTINUE** SB 2002-0016 – Progress Quarry Subdivision Preliminary Plat to a date certain of April 2, 2003.

Motion **CARRIED**, unanimously.

Commissioner Maks **MOVED** and Commissioner Winter **SECONDED** a motion to **CONTINUE** TPP 2002-0006 – Progress Quarry Tree Preservation Plan to a date certain of April 2, 2003.

1 Motion **CARRIED**, unanimously.

2

3 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**  
4 a motion to **CONTINUE** VAR 2003-0001 – Progress Quarry Access  
5 Spacing/Loop Street to a date certain of April 2, 2003.

6

7 Motion **CARRIED**, unanimously.

8

9 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**  
10 a motion to **CONTINUE** VAR 2003-0002 – Progress Quarry Access  
11 Spacing/Streets Area D to a date certain of April 2, 2003.

12

13 Motion **CARRIED**, unanimously.

14

15 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**  
16 a motion to **CONTINUE** VAR 2003-0003 – Progress Quarry Access  
17 Spacing/Streets Area A and B to a date certain of April 2, 2003.

18

19 Motion **CARRIED**, unanimously.

20

21 **MISCELLANEOUS BUSINESS:**

22

23 The meeting adjourned at 11:18 p.m.